IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3753 OF 2000

Canara Bank Plaintiff

versus

Vijay S. Trivedi and another Defendants

Mr.Prakash Shinde i/by M.Dhruva & Co. for plaintiff
None for defendants.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 4th July 2005

PC :

1. In this summary suit, Summons for Judgement No.397 of 2002 was taken out on 26th April 2002. The copy of Summons for Judgement along with affidavit in support has been duly served by the plaintiff's advocate on the defendants as well as on the defendants' Advocate Mr.Dinesh C. Shah. The affidavit proving service of Summons for Judgement is taken on record and marked "X" for identification. The claim in the summary suit is of a Bank which sanctioned some facilities and in consideration thereof, various documents including personal guarantees have been executed. There is an acknowledgement of the liability. In

para 9 of the plaint it is stated that the hypothecated vehicle has been disposed off and after adjusting the proceeds thereof, the bank's claim is as prayed.

2. My attention is invited by Mr.Shinde appearing for the plaintiff bank to the acknowledgement dated 28th October 1997 whereunder the defendants have acknowledged their liability in the sum of Rs.2,98,376/- exclusive of interest. The present summary suit has been filed in on 29th August 2000, and therefore, the claim of the plaintiff bank is not barred by limitation.

3. Original documents along with list taken on record and marked "X-1" for identification. In the light of the aforesaid conclusions, there is no defence to the claim. There is no affidavit in reply nor the defendants have applied for lave to defend. Consequently, there shall be a decree as prayed. Refund of court fees and computation of advocate's costs as per rules. Drawing up of decree is expedited.

(S.C.DHARMADHIKARI, J.)